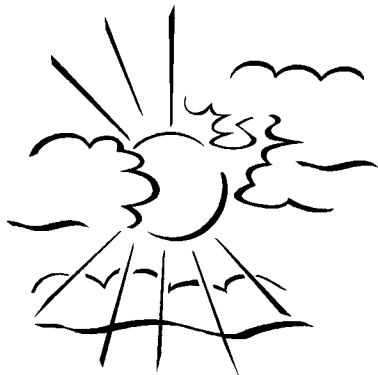


***Department  
of  
Human  
Services***

Prepared by the  
DHS Office of  
Communications  
(517) 373-7394



\*Important story at this spot

# **Articles in Today's Clips**

## **Wednesday, Sept. 28, 2005**

(Be sure to maximize your screen to read your clips)

---

<b>TOPIC</b>	<b>PAGE</b>
*Child Custody	2-5
Child Abuse/Neglect/Protection	6-13
Food Assistance	14-17
Health Care	18
Energy Assistance	19-24
Juvenile Justice	25-28
Domestic Violence	29
Early Childhood Development	30
Employment	31
Charities	32
*Employee Benefits	33-39

Michigan Report

September 27, 2005

## **HOUSE COMMITTEE APPROVES MILITARY CUSTODY BILL**

Time away from children as a result of calls to active duty wouldn't count against military parents in custody determinations under legislation reported by the House Family and Children Services committee on Tuesday.

Sponsored by Rep. Rick Jones, (R-Grand Ledge), HB 5100 would amend the Child Custody Act, prohibiting courts to use absence of a parent while serving in the Army National Guard or as a reservist as a negative strike against the parent in custody determinations. It also would not allow for a permanent change in custody arrangements while a military parent is away.

Mr. Jones said he introduced the legislation after hearing from Joseph McNeilly, a National Guardsman who said he lost his half-time custody arrangement after serving for more than a year in Iraq.

Mr. Jones called the policy "un-American" that awards sole custody to one parent based on another parent's time away on active duty.

"(Military parents) haven't left their child at all," he said. "In fact, they're serving their country on behalf of their child."

The bill was unanimously approved after several passionate remarks in support of the legislation from committee members.

Kent Weichmann, chair of the Family Law Section of the State Bar, said he opposes the bill because it changes the focus of the child custody act from the best interest of the child to the best interest or "fairness" to the parent.

"When (parents) go to Iraq, it's very unfair to them," he said. "However, we need to focus on the child and the child's relationships."

He said forcing courts to ignore the bonds that may have been broken or formed during the parent's absence is akin to asking the children to remain in "suspended animation" while the parent is away.

When a parent goes overseas on active duty, the entire family is put into suspended animation, said Rep. Barb Vander Veen (R-Allendale), whose son is currently serving in Iraq.

“Children are very resilient and I think (Mr. Weichmann assumes) too little of our children,” Ms. Vander Veen said.

Some children would easily reconnect with their parents, and some parents keep in contact with their children while serving, while some don’t, Mr. Weichmann said. But passing legislation that ignores the individual facts of the case is a “one size fits all” bill, he said, adding that the legislation would prevent courts from looking at the actual established environment of the child, a core part of the custody act that courts use to determine custody changes.

Although there are several reasons to change custody arrangements, legislators said it is never appropriate to make a military absence one of those reasons.

“You should not be allowed to take a child from a parent who is serving their country,” said Rep. Fulton Sheen, (R-Plainwell).

Published September 28, 2005

## **Panel OKs measure that may help Grand Ledge soldier's custody battle**

By Stacey Range  
Lansing State Journal

Michigan courts could not consider a parent's absence for military service in determining custody cases under a bill that won unanimous approval in a state House committee Tuesday.

During the sometimes emotional debate, members of the House Family and Children's Services Committee said men and women serving the country should be honored and rewarded, not punished for their service.

"I can't tell you how angry this makes me," said state Rep. Barb Vander Veen, R-Allendale, as she fought back tears.

House Bill 5100 is expected to receive strong support when it's taken up in the full chamber as soon as next week. The bill was prompted by a custody dispute involving a Grand Ledge father who claims his 15-month tour in Iraq is the only reason he is being denied shared custody of his 10-year-old son, Joey.

"I'm being treated like I abandoned my son," Army National Guard Spc. Joe McNeilly told the committee.

Joey's mother and her lawyer say the case is about McNeilly's parenting skills, not his service. Neither attended Tuesday's hearing.

Also testifying before the committee was Dr. Gianina Cazan-London, a major in the U.S. Army Reserves. The Highland woman said her ex-husband is trying to gain permanent custody of their 5-year-old daughter to prevent her from taking the girl with her when she moves to San Antonio next month to begin active duty.

"We need protection," she urged the committee.

"This will come up over and over again unless you do something."

The cases are among the latest in a growing number of custody battles across the nation in which Guard members and reservists say they are being punished by family courts because they were called to duty.

Capt. John Wojcik, judge advocate general to the Michigan National Guard, said last month that he knew of 15 to 20 similar custody battles in his branch alone.

Since introducing his bill in August, Republican Rep. Rick Jones of Grand Ledge said he's heard from parents in similar situations in Wisconsin, Ohio, Kentucky and California.

"This is probably the most un-American thing I've heard of in a long time," Jones told the committee.

Kent Weichmann, chair of the State Bar of Michigan's family law section, was the only person to testify in opposition of the bill.

Weichmann said the bill would destroy the Child Custody Act by putting fairness to parents' interests ahead of the child's best interests.

Under the act now, he said, custody is determined by what is best for the child, including which parent the child has bonded with.

Court records show that's a key argument in the McNeilly case.

McNeilly, 33, had agreed to give his ex-girlfriend, Holly Erb of Mason, full custody of Joey while he was deployed in Iraq.

A custody order said the issue would be revisited when McNeilly returned, but a referee for Ingham County Friend of the Court in May recommended against restoring shared custody, saying that Joey's mother was the "day-to-day caretaker and decision maker in the child's life" and that she had established a custodial environment for Joey while McNeilly was deployed.

Erb's lawyer, Theresa Sheets of Lansing, has said Erb is concerned that McNeilly is not a fit father. Sheets pointed to some postcards that McNeilly sent his son from Iraq depicting soldiers in training. She said they frightened the boy.

Rep. Jack Hoogendyke, R-Kalamazoo, said that he doesn't overlook the bond created between a child and custodial parent while the other parent is away. But, he said, the state also can't assume that active duty diminishes the bond between the child and absent parent.

"That child is not going to say 'My daddy left me,' " Hoogendyke said. "That child is going to say 'My daddy put his life on the line for me.' "

### **Custody considerations**

A bill approved Tuesday by a state House committee would bar courts from using a soldier's military service against them.

Specifically, the bill would prevent courts from:

- Making a "best-interest determination" based on the parent's separation from his or her child due to military service.
- Using military service as proper cause to alter a previous custody order or judgment.
- Allowing a permanent custodial environment to be established while a parent is on active duty.

Contact Stacey Range at 377-1157 or [srange@lsj.com](mailto:srange@lsj.com).

# Toddler's death at Manchester day care under investigation

## 17-month-old boy may have suffocated in blanket, police say

Wednesday, September 28, 2005

BY ART AISNER

Ann Arbor News Staff Reporter

Michigan State Police troopers responded to a 911 call regarding an unresponsive 17-month-old boy at the home day-care facility about 9:30 a.m., said Trooper Brian Keely of the Ypsilanti Post.

Police would not release the name of the facility Tuesday.

Day-care staff reportedly found the boy unresponsive in his crib shortly after he was put down for a nap, Keely said. Staff members attempted to revive the child with CPR but were unsuccessful. Officials with the county medical examiner's office declared the child dead at the scene.

Keely said the preliminary investigation suggests the child suffocated by wrapping himself in a blanket while sleeping.

An autopsy was conducted Tuesday, and preliminary results are expected to be released today. There were no evident signs of foul play and no one was arrested, Keely said.

"It appears to be accidental at this time and, of course, we're investigating to make sure that's the case," he said.

Roger Simpson, the county's chief on-scene medical examiner-investigator, said it did not appear the child was a victim of Sudden Infant Death Syndrome because he was older than children who typically die of SIDS. The child had no known medical problems, he said.

The case will be referred to the Michigan Department of Human Services, which licenses day-care facilities, upon completion of the police investigation.

The day care is licensed for 12 children and was at capacity Tuesday, officials said. Parents of the other children were notified to pick them up due to an emergency. It was unclear whether the day care would reopen today.

Art Aisner can be reached at [aaisner@annarbornews.com](mailto:aaisner@annarbornews.com) or (734) 994-6823.

# **Police: Child Dies During Nap At Day-Care Center**

## ***Foul Play Not Suspected In Incident***

POSTED: 6:47 pm EDT September 27, 2005

YPSILANTI, Mich. -- A child died while napping at a day-care center in Manchester Township on Tuesday, according to Michigan State Police.

Police said the 1-year-old apparently suffocated while taking a nap on a blanket.

The 1-year-old was reported to be unresponsive at about 9 a.m.

Investigators believe the death was accidental and no foul play is suspected in the case, Local 4 reported.

"The staff at the day-care center are very shaken up about the incident," said trooper Brian Keely, of the Michigan State Police Ypsilanti Post. "They take pride in their care and any time you have a child that dies accidentally, it's tragic."

Authorities said they will continue to investigate the case.

## **Defense witness says baby developed problems over time**

### **Trial expected to wrap up soon for aunt accused of beating boy.**

PUBLISHED: September 28, 2005

By Chad Halcom  
Macomb Daily Staff Writer

Science and medicine form the stage on which much of the drama has played out in the trial of a Harrison Township woman accused of beating or abusing a young boy who is now blind and unable to speak.

Prosecutors have rested their case and the defense presented its own evidence Tuesday on behalf of Julie C. Baumer on a charge of first-degree child abuse for the severe brain damage and injury to nephew Philip Baumer.

"This baby had clearly been dwindling and having these problems for some time. It's not like he just suddenly got worse or took a turn a day or two before the date of admission to the hospital," testified Janice Ophoven, a medical expert and former pediatrician hired by the defense in the case.

Baumer, 27, faces the charge for an October 2003 incident where young Philip, then 6 weeks old, was taken to Mount Clemens General Hospital with a skull fracture and signs of internal cranial bleeding. Since then the child, now 2, has been blind and unable to speak, and has some level of brain tissue damage.

Philip Baumer is now adopted and in the care of the Zentz family in Clinton Township; some members of the Zentz family have attended the court proceedings against Baumer, the child's maternal aunt, along with the boy's own birth family.

"He was never very active or moved much like you'd expect from a



newborn. There was a lot of weak crying," said the defendant's father, Jules Baumer, of the days and weeks following Philip's birth but before his hospitalization. "There was something with the pallor of his skin. I even thought for a while he might be a biracial baby because of his unusual coloring."

No one disputes that Philip suffered some trauma to cause his current condition; the only question for the jury is when it happened and who may have caused it. Prosecutors note that Julie Baumer had done much of the child-rearing for Philip and was his sole caregiver for roughly six days preceding his Oct. 3, 2003, hospitalization.

The defense, however, contends that birth mother Victoria Baumer had been a crack addict and that fact or something from his birth had a delayed effect on Philip and caused "stroke-like reactions" that left him in his current condition.

Prosecutors noted Tuesday, however, that even the defense expert had to acknowledge some form of trauma or injury had befallen the child, and that testing on Philip as a newborn found no evidence of drugs in his system.

Closing arguments are expected today in the trial before Macomb County Circuit Judge James M. Biernat. If convicted as charged, Baumer could face up to 15 years in prison.

# Father Pleads Guilty To Choking Infant

## *Child Placed In Foster Care*

POSTED: 4:03 pm EDT September 27, 2005

HOWELL, Mich. -- A Livingston County man pleaded guilty to choking his 4-month-old son until the baby went limp and turned blue.

Roger Wayne Becker, 20, told state police that he choked the baby because he wouldn't stop crying one day in late April. The infant was treated for numerous injuries, including fractured ribs.

The child is now in foster care.

Becker's trial was set to begin Monday, but Becker entered a guilty plea instead.

Becker will be sentenced on Oct. 6. He faces up to 15 years in prison.

*Copyright 2005 by The Associated Press.*

# Sex-crime defendant's 2nd resignation accepted

Wednesday, September 28, 2005

By John S. Hausman  
MUSKEGON CHRONICLE STAFF WRITER

Egelston Township Treasurer Brian Lee Hill -- awaiting felony trial on child pornography and shower-peeping charges -- has resigned his longtime post for the second time in six weeks. This time, his township board let him do it. Their acceptance reversed an Aug. 15 board action that raised eyebrows inside and outside Egelston Township.

Under pressure from a vocal group of township citizens, Hill unexpectedly turned in a two-paragraph letter of resignation at the township attorney's office Monday afternoon. His resignation is effective Nov. 23, but the letter seemed to indicate he was ceasing work immediately.

At a hastily called special meeting Tuesday, the other six township board members voted unanimously to accept Hill's resignation from his full-time, \$38,000-a-year job, an elective post the 37-year-old Democrat has held for more than 12 years. Hill did not attend.

Hill's letter, addressed to the township board, said he was resigning "to take the opportunity to further my education and pursue a new career field."

His letter states that "Between now and November 23, I will be using my accumulated vacation time."

The eight-week gap gives the board time to find a replacement before Hill is officially off the payroll. Township Supervisor Vicky L. Jensen said Tuesday board members hope to fill the vacancy by Oct. 24 -- the earliest date allowable under state law -- with the effective date being Nov. 23, Hill's last day in office. The job opening will be advertised.

"This is the best thing for the community and everybody involved," Jensen said of Hill's resignation.

"He felt it was the right thing to do a long time ago, and that's why he tried to do it (in August)," said Hill's Grand Rapids lawyer, Frank Stanley. "The issue obviously came up again, and I said, 'well, do what you think is the right thing to do.' "

The township board, on its own initiative, also voted Tuesday to remove Hill from his additional duties as assistant to the zoning administrator/planner, an appointed post that pays \$6,000 per year. That action took effect immediately, halting Hill's pay for that job.

On Aug. 15 -- a week before Hill's expected trial date -- the treasurer submitted his resignation, but the board voted unanimously to reject it.

That move came after Hill surprised many on the board by walking into an audience of approximately 100 people, nearly all Hill supporters, and reading a lengthy prepared statement. Hill reportedly recounted the good he felt he had done for the township as treasurer, then said it would be best for the township if he resigned.

The audience gave Hill a standing ovation, and board members then voted 7-0 not to accept his resignation. Board members said they needed Hill to stay to help with the current routine general fund audit and because they wanted more time to look for a replacement.

Some board members said he was innocent of the sex charges until proven guilty -- and a verdict was expected in less than two weeks. Under state law, an elected official convicted of a felony must resign or be removed from office.

But the situation changed a few days later. The same week as the board's August vote, Hill's trial was unexpectedly postponed for at least four to six months when the Michigan Court of Appeals decided to consider the defendant's appeal of the trial judge's ruling on a legal issue that will determine whether Hill -- if convicted -- faces a maximum prison term of 20 years or four years. For the first time since Hill's arrest last November, with the prospect of the case dragging on into 2006, a vocal opposition began to form.

A group of more than a dozen Egelston Township citizens attended the Sept. 19 township board meeting to demand, during the "public comment" portion of the meeting, that Hill resign his post for good, and that the township board let him do it. Several attended another board meeting last Thursday, and another appearance was planned for next Monday's 7 p.m. meeting.

"There's a ton of people out there who think it's ridiculous that he's still in office, and obviously want him out," said Renee Burrington, a spokeswoman for the anti-Hill residents, in an interview Monday before Hill's resignation became publicly known.

"By him doing what he did in August, having (supporters) show up there without anybody knowing, it made it look like the whole township supports him," Burrington said. "Heavens no, it's a small minority."

Hill is charged with five counts of making child pornography, a felony punishable by up to 20 years in prison; five counts of using a computer to commit those crimes, also 20-year felonies; and three counts of eavesdropping by installing a video device, a two-year felony, for snooping with a hidden camera on male teenage exchange students using the shower in his home at 1265 Drent.

The child pornography counts stem from police discoveries of thousands of images of young boys engaged in sex acts found on computer disks in Hill's home. The images were downloaded from commercial Web sites.

Hill's lawyer argues that the proper charge should have been "possession" of child pornography, a four-year felony. Muskegon County Circuit Judge Timothy G. Hicks ruled in favor of the Muskegon County Prosecutor's Office and later rejected a defense motion to postpone the trial while Hill appealed that ruling. But the appeals court intervened, ordering a "stay" of the trial while the higher court considered the appeal.

Hill ran unopposed in last November's election, winning a fourth four-year term. He was arrested two weeks after the election.

Whoever the township board appoints as treasurer will serve until the next general election. At that election, in November 2006, Egelston voters will decide who will fill the two-year remainder of Hill's unexpired term.

# Summit to address black infant mortality concerns

Wednesday, September 28, 2005

By Theresa D. McClellan  
The Grand Rapids Press

GRAND RAPIDS -- With black babies dying at three times the rate of other ethnic groups in Kent County, health-care providers are taking the questions to the mothers.

"What are we missing?" and "What else should we be doing?" are among the questions to be asked Thursday during a summit on infant mortality at New Hope Baptist Church, 130 Delaware St. SW.

The Kent County Infant Mortality Initiative invites the community to discuss the issue 5 to 8:30 p.m.

Kent County is one of 11 communities in the state receiving special attention on the issue, said Barbara Hawkins Palmer, coordinator of Healthy Kent 2010.

She said a coalition of 15 organizations through Healthy Kent 2010 examined data on infant mortality.

Talks were held with focus groups with black women of child-bearing age on their experiences. But they want more.

"Anyone who wants to be a part of this, we will hear. We will look at the top three things that we need to do and that will be the foundation for the community plan and, hopefully, we will be able to see fewer babies dying," she said.

Palmer called Thursday's gathering a chance to touch those affected, as well as update everyone on what has been done.

"Coalitions are often made up of agencies and sometimes we miss things. We think the community voice is pretty powerful," she said.

Research shows a link between infant death and depression, substance abuse, work and employment problems.

"It may not be a total medical problem but social. Can we look at an assessment of social support needs and do something about multiple stressors?" Palmer asked.

There is room Thursday for 250 people.

Dinner, dessert and child care will be provided.

Anyone interested should call the Kent County Health Initiative Summit at 632-7249 for reservations.

# Hungering for help

Wednesday, September 28, 2005

By Clayton Hardiman  
MUSKEGON CHRONICLE STAFF WRITER

An army of CROP Walk volunteers will hit the pavement Sunday, walking to raise funds to combat hunger in the Muskegon area and around the world.

According to local hunger officials, their efforts come not a moment too soon.

The economic fallout from job layoffs, company closings and corporate moves has forced some local food pantries to cope with longer lines and depleted supplies.

"The numbers keep going up as the jobs keep going out," said Maxine McGarry, coordinator of the food pantry at The Salvation Army.

The situation is complicated by the onset of fuel price hikes and the pressing need for donations for hurricane disaster relief -- a combination that has some pantry coordinators fretful over what could be some very difficult months ahead.

"We're all cringing with winter coming up," said Linda Sullivan, director of Catholics Acting on Social Teaching, which administers the Loaves and Fishes Pantry in downtown Muskegon.

Food and clothes pantries and other local relief organizations typically feel a pinch in the donations they receive following such highly publicized disasters as hurricanes and tsunamis.

In the wake of such events, the public typically responds with a torrent of donations. Local hunger officials say that is understandable -- and laudable.

Unfortunately, they say, such attention to the big disasters elsewhere often diverts attention from the everyday catastrophes of hunger and poverty at home.

"After the tsunami (last December), the fallout was massive," Muskegon Rescue Mission Executive Director Carla Skoglund said. "We didn't begin to recover until June."

But local hunger officials say they were feeling the pinch even before hurricanes Katrina and Rita etched their haunting images in the public mind.

"Even before the hurricanes hit, donations were already low," McGarry said.

For one thing, donations to programs for poverty relief tend to be seasonal, with peaks around Thanksgiving and Christmas. In summer, donation levels often fall.

And then there has been the increase of families seeking help. It's not just the fact that there's greater demand. Some of those who once donated are no longer able to give.

"Some of the people who used to donate are coming in for help now," McGarry said.

The good news in all this is the responsiveness of Muskegon area donors, particularly once they become aware of the need.

A couple of weeks ago, officials at the Muskegon Rescue Mission made a public appeal for donations, announcing the shelves in the agency's food pantry had literally gone bare.

"It was bad," Skoglund said. "But the community response was very positive to our food shortage. We are blessed."

And then there is the Muskegon Area CROP Walk, an annual fund-raising event in which volunteers collect pledges and walk for funds to combat hunger.

Now in its 16th year, the CROP Walk collects funds to bolster efforts against hunger both locally and internationally.

Church World Services, the organization that coordinates CROP Walk, is not only involved in hunger relief in other countries but has been involved in hurricane relief efforts in the Gulf region from the beginning, said Muskegon CROP Walk Coordinator Sarah Rinsema-Sybenga. Beyond that, 25 percent of the funds raised by walkers are returned to hunger agencies in the local community to address "the more quiet devastation at home," Rinsema-Sybenga said. In Muskegon, where walkers raised \$44,000 in 2004, that is significant. Of the 1,708 CROP Walks in the United States the past year, the Muskegon Area Crop Walk ranked 25th in funds raised.

All this may come as optimistic news to local hunger agencies, which appear to be facing increased demand across the board.

At Loaves and Fishes, which typically serves nearly 600 families a month, workers recently have logged some dramatic increases in the number of families seeking help.

"I recall some months ago, the number (of new families) was 64," Sullivan said. "Last month, it was around 113."

At The Salvation Army food pantry, the pace has been frantic, McGarry said.

"We've had 40 families in the last eight days," she said. "And a lot of the families are repeaters. Food stamps just won't make it."

Local hunger relief officials tend to step carefully on the topic of disasters.

"I heard someone coin the phrase 'compassion overload,'" Sullivan said.

Officials aren't about to tell people not to donate to relief efforts following high-profile national catastrophes. McGarry said the local Salvation Army is even serving some hurricane evacuees here.

"I usually say, 'Do what your heart compels you to do -- and remember we're still serving the poor of our own community,'" Sullivan said.

# Food bank leader helps

Grand Rapids Press

Wednesday, September 28, 2005

ST MICHIGAN -- Executive Director of Second Harvest Gleaners Food Bank of West Michigan, John Arnold, is putting to use his 23 years of experience to help victims of hurricane-ravaged communities on Mississippi's Gulf Coast. Gleaners, a member of the national network for food banks, America's Second Harvest, works each year to provide donated food to more than 1,200 agencies throughout Michigan. Through Sunday, Arnold is acting as a link between Second Harvest and the Joint Field Office, a temporary control center for organizations handling disaster relief throughout Mississippi. He is organizing efforts between different agencies, along with gathering information about the status of shelters, needs that have not been met, relief supplies and donation surpluses.



# Health experts look for ways to offer healthy, affordable foods to U.S.'s poor

## Researcher names poverty as a barrier to battling obesity

By DONNA GORDON BLANKINSHIP

Associated Press

SEATTLE — Laurieann Cossey has always struggled with her weight. Now, six months pregnant and struggling to get by, the single mother tries to make sure her 1-year-old son gets the fruits and vegetables he needs.

"I worry a lot about my son being obese," said Cossey.

Cossey, 43, and her son, Andrew, survive on food stamps, trips to the food bank, and a state program for pregnant women and their children.

She says they should both be eating more fruits and vegetables. But the foods on the government's new food pyramid are too expensive. Boxed macaroni and cheese costs less than a dollar to feed the whole family; a fresh chicken breast and steamed vegetables cost about \$2.60.

Scientists, doctors and government officials are working on ways to get families like Cossey's to eat healthier food.

The poor have more barriers to dealing with obesity, eating healthy and leading an active life, one researcher said.

Dr. David L. Katz of Yale-Griffin Prevention Research Center advocates vegetable subsidies. He favors the idea of a junk food tax that would use the money to lower the price of vegetables, as well as pay for anti-obesity programs.

Diana Crane, a spokeswoman for PCC Natural Markets in Seattle, said PCC would be happy to see more funding for government programs that get produce to low-income families.

Adam Drewnowski, director of Public Health and Nutrition at University of Washington, argues for research to map the geographical distribution of obesity rates and spoke about obesity by ZIP code at a conference over the summer. An "atlas of obesity" would help policymakers know where to focus their programs, he said.

Some areas are already battling obesity on a geographic basis.

Detroit News

Letters

September 27, 2005

## **Protect health programs**

In answer to Sen. Tom George's op-ed suggesting that state dollars currently being spent on public health programs be used instead to create incentives for the Medicaid population to become healthier, I am appalled that he proposes the elimination of crucial public health programs that are life-savers for low-income families and underprivileged children (who eventually will be our future). It would be a tragedy to take money from the Healthy Michigan Fund now or any time in the near future ("Michigan must remedy soaring Medicaid costs," Aug. 11).

*Edith J. Sullivan*  
*Dearborn*

## **Mich. residents to feel sting of soaring heat bills**

### **Natural gas costs rise after storms**

*September 28, 2005*

BY ALEJANDRO BODIPO-MEMBA  
FREE PRESS BUSINESS WRITER

The price of natural gas in Michigan will jump by nearly 50% this winter, as hurricane-damaged facilities in the gulf coast region struggle to get back to full strength.

#### **How to cut your energy bills**

- Apply for the Michigan Home Heating Credit for low-income families by calling 800-827-4000, going to [www.michigan.gov](http://www.michigan.gov) or contacting your home heating provider for more information. The deadline to apply is Friday.
- Seniors and low-income residents can enroll in the winter protection plans with their home heating provider. DTE Energy's plan protects qualified applicants from shutoff between Dec. 1 and March 31, its Web site says. Customers can enroll from Nov. 15 to March 31. Call DTE at 800-477-4747 for more details.
- The Michigan Public Service Commission is to host its last consumer forum of the year to discuss winter heating options in the Cooper Room of the Wayne County Community College District East Campus at 6 p.m. Thursday. The address is 5901 Conner St., Detroit, near I-94. Admission is free.
- Sign up for a budget payment plan with your gas provider and pay the same amount for energy each month; the payment is adjusted annually.
- Prevent drafts. Caulk and weather-strip around drafty doors and windows. If you feel cool air along the edges of your windows and doors, you're wasting energy. Check your attic, basement and unfinished rooms to make sure they are well-insulated. The attic and basement generally are the biggest culprits for air leaks.
- Heat and cool smartly. Install a programmable thermostat

that automatically adjusts the temperature to meet your comfort needs efficiently during the day. A programmable thermostat can save you \$100 a year by heating or air conditioning your home only when you need it.

**Alejandro Bodipo-Memba**

An upcoming Michigan Public Service Commission's report estimates that last year's average monthly residential winter Michigan gas bills of \$140 could go up as much as \$58 a month this winter.

"The commission is expecting average increases for natural gas of at least 40% this winter, assuming normal weather," Judy Palnau, a spokeswoman for the PSC, said Tuesday. "What we're doing now is gearing up to let people know about the alarming increase."

In the last month, Hurricanes Katrina and Rita have forced the evacuation of 683 offshore platforms in the Gulf of Mexico and reduced the production of natural gas to almost 80% of normal levels, according to the U.S. Mineral Management Service.

Hurricanes in the gulf have knocked out power and critically disrupted the nation's energy infrastructure. News of the pending energy price raise followed rising gas prices that reached \$3 a gallon after Katrina struck just before Labor Day weekend. Now Michigan residents are wondering why they will shell out even more to heat their homes this winter.

Pavel Molchanov, an energy analyst with Raymond James & Co. in Houston said the short answer is that natural gas prices spiked after Hurricane Katrina. "They are also up because they closely track crude oil prices, which are also up around 2.5 times in the last four years."

The increases will hit people like Lyla Washington the hardest.

The 80-year-old Detroit homeowner is on a fixed income and is fearful of what could happen.

"I live here alone with my two cats and so I keep the rooms closed off to keep the heat in," said the former day care director who receives less than \$800 a month. "Last week it was chilly at night and so if it's going to be chilly now, wait 'til winter. I think it's going to be kind of rough."

Wholesale natural gas prices paid by utility companies have nearly tripled since averaging just under \$5 per thousand cubic feet in 2001.

Today, prices are averaging more than \$12 per thousand cubic feet.

One piece of good news for Michigan residents: Nearly 80% of the anticipated winter demand for natural gas was stored in tanks around the state before Hurricane Katrina hit. Other states in the Midwest are expecting natural gas price increases of as much as 70%.

Natural gas to be used in the winter is normally stored during the spring, summer and fall in underground storage facilities.

About 55% of the nation's residential housing market uses natural gas for heating and cooking, according to the American Gas Association, a Washington, D.C., industry group.

In Michigan, 79% of homes are heated with natural gas, 10% with

propane, 7% by electricity, and the rest by home heating oil, wood or solar power.

Consumers Energy, a Jackson-based unit of CMS Energy Corp., provides natural gas to about 1.7 million customers, mostly in the Detroit area. DTE Energy Corp.'s MichCon serves 1.2 million customers. SEMCO Energy Gas Co. of Port Huron serves 266,000 customers in the Upper Peninsula and the Lower Peninsula.

A growing number of Michigan's poor people are now faced with choosing between heating their homes and paying for food, according to a study by the Heat and Warmth Fund (THAW), a Detroit nonprofit that provides emergency energy assistance to low-income families.

"A lot of people that have managed to get by in past winters won't be able to make it this winter," said Kathleen Walgren, executive director of THAW.

*Contact ALEJANDRO BODIPO-MEMBA at 313-222-5008 or [bodipo@freepress.com](mailto:bodipo@freepress.com).*

Wednesday, September 28, 2005

# **Energy costs put heat on residents**

## **Many turning to alternative sources to keep homes warm this winter**

By ANDREA MASON  
Times Herald

Jerry Sobocinski is used to an eight-hour day. But lately, thanks to a run on alternative home-heating systems, his days have gotten longer at his outdoor wood-burning furnace business in Memphis.

To homeowners tired of rising natural-gas prices, the prospect of burning corn, wood pellets or just plain cords of wood to heat a home has seemed more appealing. With experts predicting prices to climb even higher - as much as 40% to 70% - more homeowners have been investigating their options, wood and corn home-heating system, dealers said.

Some customers like the cost savings; some like the idea of being independent from the gas company; while others like the environmental benefit.

"We keep our house warmer now than we did before (on propane)," said Ray Peltier of Fort Gratiot.

### **Cost savings**

Costing anywhere from \$1,500 to \$15,000 - the initial investment in a stove or furnace equipped to burn wood or grain can be steep. But, some said, it pays off big in the long run.

Experts predict home natural-gas bills could increase an additional \$39 to \$65 a month this winter.

Heating a typical home can use, on average, four to six cords of wood or two acres of corn a season. At an average of \$350 a season for home-heating costs using wood or corn, the savings could be substantial, stove and furnace dealers said, and the number of nonfossil, fuel-based home-heating systems is on the rise. In the three years Peltier has owned his outdoor wood boiler, the system has paid for itself, he said.

### **ENERGY SAVINGS 101 FREE SEMINARS**

Free seminars are scheduled for 7 p.m. Tuesdays and 10 a.m. Saturdays at Outdoor Boilers of Michigan, 80360 Main St., Memphis. They'll focus on how to save energy and money with what you already have. Call (866) 392-2293 to reserve a spot.

### **STAYING WARM TIPS TO SAVE MONEY**

Inexpensive or no-cost ways to keep your heating dollars from going up in smoke:

Double-pane windows with low-energy coating reflect heat back into the room during the winter months.

Close your curtains at night to keep in heat. Open them during the day to let in sunlight.

Keep windows on the south side clean to maximize sunlight coming in.

Trees planted on the south and west sides of your home will keep it cool in the summer and allow sunshine in during the colder months.

Cut water-heating bills by using less hot water, turning down the thermostat on your water heater, insulating your water heater or buying a new, more energy-efficient heater.

Peltier, 38, said he only uses propane during the summer months to heat water. And, he said, he pays less.

"You just throw another log on the fire," he said.

Peltier also has a built-in supply of logs to heat his home. He owns Boston Lumber in Fort Gratiot, and whatever scraps are left over are free heat for him.

Of course, most homeowners either will have to have wood delivered or cut it themselves.

Three years ago, Peltier might have paid \$2,600 to heat his 3,400-square-foot home with propane. Now, he does it with scraps from his business and throws a couple of large logs on twice a day when the weather gets really cold.

Lately, curious neighbors have been stopping by to check it out.

### **Out of stock**

The stockroom at Future Heat in Lexington Township was full at the beginning of the season.

Now, there are only four stoves in the back and those in the showroom left.

Future Heat owners George and Vicki Sesi have begun to sell the floor models.

"I hate to do it," George Sesi, 56, said. "But people are begging me."

For a while, Vicki Sesi, 49, said, the couple was selling three to five corn- or wood pellet-burning stoves a day.

Most models are not in stock - anywhere, George Sesi said. The wait for a home-heating stove or furnace can be anywhere from a few weeks to a few months. The Sesis expect another rush after the first cold spell.

Since Hurricane Katrina hit, Sobocinski, president of Outdoor Boilers of Michigan in Memphis, said his business has doubled.

"It's a good time to be in this business right now. When I started nobody knew what they were," Sobocinski, 39, said.

"I have some customers who just will not pay a dime to the gas company if they don't have to," Sobocinski said.

### **Environment**

Others like the environmental benefits. Sobocinski characterizes many of his customers as the outdoors-type - hunters, fishermen, campers, etc.

The U.S. Forestry Service endorses the use of wood and other similar combustible heat sources that are renewable domestic resources that don't create new greenhouse gases.

For instance, burning wood releases the same amount of carbon dioxide the same wood produces rotting on a forest floor, said Bryce Stokes of the Forestry Service's Vegetation Management and Protection Research program.

"There is no net gain in CO2 emissions from wood burning if the wood is harvested on a sustainable basis," he said in a statement.

Although outdoor wood furnaces are more of a rural phenomenon (more space is required and propane, commonly used in country settings, generally is even more expensive), corn- and wood-burning stoves that sit inside the home can be found everywhere, George Sesi said, and their numbers keep multiplying.

**Contact Andrea Mason at (810) 989-6272 or [amason@gannett.com](mailto:amason@gannett.com)**

Originally published September 28, 2005

LSJ Pg 204 9/28/05

# Heating aid

## Boost aid, but balance with cuts

Part of Michigan's congressional delegation is applying common sense to the issue of federal heating aid:

Prices for natural gas and heating oil are going way up, federal aid should follow — if Michigan doesn't want to see people suffering in the cold.

Federal aid should go up — and it should be funded by cuts in other government spending. Further, since Washington, D.C., has shown itself to be less than responsible on funding issues, the state of Michigan should carve out money in its budget to be ready to help cover heating needs.

As detailed in Tuesday's LSJ, Michigan residents using natural gas will pay \$39 to \$65 per month more for their heat this winter. Those using heating oil have seen prices rise by one-third.

Such price increases are bad news for any assistance program. But home-heating aid is hardly the healthiest program right now.

Michigan actually ran out of federal funds for heating aid a couple of months ago. The money will start flowing again this Saturday, the start of the new federal fiscal year.

The growing gap between demand and supply motivated seven members of Congress (Sens. Debbie Stabenow and Carl Levin and Reps. Dave Camp, Dale Kildee, John Dingell, Sander Levin and John Conyers) to back legislation to boost aid.

By Capitol Hill standards, the money sought (between \$1 billion and \$2 billion) isn't much. But with a war on terror and a ravaged Gulf Coast to pay for, any additional spending should come from cuts elsewhere.

And, in case Congress has forgotten, here are the obvious places to cut: the Medicare prescription drug program, the highway bill and congressional staffing and salaries.



# Boys homes may move to Spaulding

Wednesday, September 28, 2005

ERIN ALBERTY  
THE SAGINAW NEWS

A rehabilitation home for teens is looking to open a 60-bed boys' facility in Spaulding Township. Holy Cross Children Services, formerly Boysville of Michigan Inc., plans to consolidate its Saginaw County boys groups in the former Queen of Angels Retreat if township officials grant a zoning change for the property.

The new home would bring together all boys now living in Holy Cross' three facilities: St. Vincent Home on North River in Thomas Township, Holland House on Holland in Saginaw and Curtis House on Curtis in Frankenmuth.

"This will allow us to get more continuity in regards to treatment," said Richard Boone, Holy Cross' north regional director.

The move also would better accommodate gender-specific programming for the 80-plus 12- to 17-year-olds who go through Holy Cross each year.

Holy Cross has an option on the old retreat center at 3400 S. Washington, which is owned by the Capuchin Order. The youth program likely would invest between \$800,000 and \$1.5 million to renovate the building, Boone said.

But first Boone must convince his prospective neighbors that the move is worth it. He said some dissenters may turn up at the township's public hearing on his zoning request, set for 7 p.m.

Wednesday, Oct. 26.

"I'm sure some people will be concerned, as they should be, about what's coming into the neighborhood," he said.

Local officials already have questioned whether Spaulding Township's police force could handle the influx of 60 youths who are moving to town precisely because they have criminal records.

Holy Cross is considering a township request for a police coverage payment in lieu of taxes to make up for the exemptions that come with the organization's nonprofit status.

Holy Cross attorney Stephen Guerra, of the Detroit law firm Dickinson Wright, said police records in Frankenmuth show relatively little activity -- a yearly average of 4.5 reports, most of which are just for paperwork on incidents handled by the home's staff.

"The majority of police calls are not for intervention," Guerra said. "They just need to have the incidents reported to create a paper trail for the kids."

Holy Cross does not admit "hard core" violent criminals, Boone points out. The most common crimes among youths in the program are theft, property destruction, simple assault and status violations such as underage drinking.

"We're hoping to stop the escalation of their behavior," Boone said.

But things sometimes go awry, said Debra K. Krafft, 42, who has lived for 18 years at a farm down the road from the Curtis House in Frankenmuth.

"Over 18 years, there are maybe six incidences that I can remember," Krafft said. "It's just something we've lived with for so long that we don't think about it a lot. And yet, I know it'll be a teeny, tiny sigh of relief to say we don't have to worry about that anymore."

A couple of times, police have asked Krafft permission to search her barns for an escapee. Two neighbors' trucks were stolen and recovered a few years back, she remembers. Once, a frantic boy turned to Krafft for help after a companion tried to run away during a short walk.

Now residents are not allowed to leave the home without a staffer except for periodic home visits, Boone said. Two staffers work with every group of 10, following the youths throughout their day. That may include group therapy, some schoolwork and occasional outings to the store or movie theater. Employees also work through the nights.

"We run a very tight ship," Boone said.

Most of the residents take classes at the home, but some return to school as they progress through therapy. Some 24 Holy Cross students now attend Swan Valley schools, Boone said, but he would consider enrolling students in the Bridgeport-Spaulding Community School District if the zoning change passes.

Township Supervisor John Tagget said that would bring more funding to the district.

Spaulding Township resident Richard R. Hausbeck said he and others who live near the retreat center have discussed the potential new neighbors; so far, most seem okay with the idea, he said.

"I don't intend to put up a thing about it," said Hausbeck, 74.

Erin Alberty is a staff writer for The Saginaw News. You may reach her at 776-9673.

# Sentence in teen killing put on hold Judge insists on knowing boy's motive

Wednesday, September 28, 2005

BY AMALIE NASH

Ann Arbor News Staff Reporter

A Washtenaw County Circuit judge refused to sentence a former Pioneer High School student for murder Tuesday without learning more about the central question that has always plagued the case: Why?

The announcement by Judge Donald Shelton surprised the attorneys and family members in the courtroom. The judge gave 17-year-old Ryan Bower a week to decide how to proceed in the case.

Bower showed no emotion and only spoke up once Tuesday, when asked a direct question by the judge.

The teen pleaded no contest last month to a charge of second-degree murder in the shooting death of Jordan Coleman, 16, a friend and classmate. The two teens skipped school together and went to Coleman's Pittsfield Township home, where he was shot twice with a shotgun.

Bower has maintained since the Dec. 8 shooting that he does not recall what happened that morning, and his attorney said in court, when Bower pleaded no contest, that he lacked an independent recollection of the events.

The prosecutor and Bower's attorney agreed to a sentence of 10 to 15 years in prison, which is below sentencing guidelines for second-degree murder. Bower was 16 years old at the time of the shooting, but was charged as an adult with open murder.

Shelton told Bower on Tuesday that without knowing what happened, he could not determine whether the agreement was an appropriate sentence to impose.

"The sentencing agreement asks me to sentence someone who is 16 years old to 10 to 15 years in prison, but on the other hand it asks me to sentence an admitted murderer to only 10 to 15 years," Shelton said. "It may be appropriate, but ultimately I have to sentence in good conscience. I've reviewed all the materials presented, and I still do not know what happened there."

The sentencing delay was heralded as a victory for Coleman's mother, Julia Coleman, who opposed the plea agreement and has repeatedly questioned why Bower would be offered a deal with no explanation. She said she's hopeful she'll now learn more about what happened.

"I think the judge sees what I see and won't accept the plea without a full confession," Julia Coleman said after the hearing. "I'll have to wait to see what happens, but I feel there's more justice by making a greater attempt to get to the truth."

The judge offered Bower several options: Present more evidence about what happened, agree to a review by an independent psychiatrist, withdraw the plea agreement, or be sentenced for second-degree murder without a sentencing agreement in place.

Shelton said he had already read the report by a defense psychiatrist that Bower experienced a post-traumatic response to the shooting and had suppressed or repressed the details.

When asked if he had anything to say Tuesday, Bower answered, "No, sir."

Shelton gave the teen a week to decide how to proceed.

David Zacks, Bower's attorney, said outside the courtroom that he did not know which option they planned to take.

"I believed that when the agreement was entered with the prosecution, it furthered the ends of justice and I continue to believe that is the case," Zacks said.

Assistant Prosecutor Donald Ray said he was surprised to learn of the judge's decision when he was notified earlier Tuesday. He said he believes Shelton offered a frank explanation of his reasons in court.

"This case has never been about who - it's always been about why," Ray said.

Jordan Coleman's parents chose not to offer a victim's impact statement in court until Bower is sentenced.

Julia Coleman said she is not arguing for life imprisonment, but wants to hear more facts about the slaying before she can say what punishment she believes he should face.

"I thought he should have had to face a preliminary hearing," Coleman said. "I can see life in prison as harsh for someone that young, but what he did was extremely harsh."

A new sentencing date has been set for Oct. 25.

Amalie Nash can be reached at [anash@annarbornnews.com](mailto:anash@annarbornnews.com) or (734) 994-6832.

Wednesday, September 28, 2005

## Victim wants to shed light on domestic violence

By Betty DeRamus / The Detroit News

Sandi Goetz spent two years shrouded in the shadows of a witness protection program, living in an old Lake Orion island house and wearing a police-notifying alarm around her neck.

Goetz also hid out in a women's shelter for several months, endured surgeries to repair a bitten ear and felt compelled to buy both a revolver and a 125-pound pit bull.

All because the 40-year-old Oakland Township woman forgave a man she'd just started dating for knocking her around.

Reacting to my Monday column on domestic violence, Goetz wanted to share her soul-chilling story about being stalked, beaten, maimed and nearly murdered by a man already on parole for another stalking conviction.

"I didn't realize how dangerous he was," she says. "I didn't see the signs."

No order for protection

When Patrick LaFleur first assaulted Goetz, she failed to take out a personal protection order against him, a decision she lived to regret.

Shortly after that incident, LaFleur broke into Goetz's house, yanked her out of the shower and began telephoning all her relatives. Goetz then called police and gave them a letter saying she feared for her life.

However, she still didn't file for a personal protection order, a move that would have sent a stronger signal that she felt threatened.

"I didn't do it right," she admits. "You don't think that in four or five months this guy is gonna kill me."

He came so close she could smell danger and almost taste death.

Enraged by Goetz's desire to stop seeing him, LaFleur broke into her house in June 2001. He beat her beyond recognition, bit off about half of her left ear and tried to drown her in a bath tub. Goetz believes he deliberately kept her alive for the thrill of continuing her torture.

"He had other victims before me," she said. "He was stalking since (a very young age)."

Later LaFleur drove Goetz around Oakland County, trying to get money for gas from an ATM and threatening to kill her. When he returned to her house for money, she managed to escape. LaFleur fled to Austin, Texas, and remained on the loose until March of 2003 when Oakland County Sheriff's deputies and police in Austin tracked him down.

He now sits in prison, and is expected to remain there for the next 45 years.

Symbol of awareness

Meanwhile, Goetz, who spent two years shivering in fear and glancing over her shoulders, is working on what she hopes will become a universal symbol of domestic violence awareness. It's a gold-plated figure that looks like a little person and, according to Goetz, represents self-empowerment and life fulfillment and the need to run from situations that reek of violence.

(For information about her campaign to raise awareness about the perils of domestic violence, write to SELF, PO BOX 431258, Pontiac, MI 48343)

"If it was everywhere, people would think about (domestic violence) more," she says. "Domestic violence is a hidden story. You only hear about it after the fact."

*Betty DeRamus' column runs Monday, Wednesday and Friday in Metro. Reach her at (313) 222-2296 or [bderamus@detnews.com](mailto:bderamus@detnews.com).*

Editorial

# Discrimination in Head Start

The New York Times

Published: September 28, 2005

House Republicans have an alarming plan for Head Start, the early childhood program for some of the nation's most impoverished children and their families: They want to give religious groups that sponsor local Head-Start programs license to discriminate by not hiring otherwise qualified individuals who do not share a particular religion.

Last week, the House voted 220 to 196, mostly along party lines, for this smashing of constitutional and civil rights protections by tagging it onto an otherwise positive Head Start bill that unanimously cleared the House education committee last June. Sponsored by Representative John Boehner, Republican of Ohio, and backed strongly by the White House, the amendment would allow for the purging of caring and effective teachers on the basis of their religion. Parents who subscribed to a different faith than the religiously affiliated sponsor could be disqualified as classroom volunteers.

This move seems solely designed to placate the Republicans' right-wing base. Many religiously affiliated groups participate in Head Start programs, but they are not among those clamoring for a religious exclusion from the antidiscrimination requirements, which have been part of the program since its creation in 1965.

In recent years, the Senate has blocked similar attempts by House Republicans to make discrimination based on religion an official feature of publicly financed programs. In the name of preserving the Constitution, and the successful Head Start program, it must do so again. The program serves fewer than half of all eligible children, so what it needs is more money, not religious discrimination.

September 27, 2005

## Jobless rates fall in region

By BILL O'BRIEN

Record-Eagle business editor

TRAVERSE CITY - Unemployment rates fell in August across northern Michigan as part of a statewide trend, improving the region's job picture over the past year.

In the 10-county northwest Michigan area the August unemployment rate dropped to 5.1 percent from July's 6.2 percent and a half percent since August 2004, the state Department of Labor and Economic Growth reported.

State labor analysts said the drop from last year is a positive trend for the region.

"It's not huge, but you can definitely conclude that's improvement," state economic analyst Jim Rhein said.

In northeast lower Michigan, including Cheboygan, Crawford and Otsego counties, the jobless rate last month dropped to 6 percent from July's 7.4 percent. It's also an improvement from the 6.7 percent rate a year ago.

Rhein said northern Michigan's unemployment rate typically declines in late summer as the seasonal and tourism-related employment pool tightens with young workers heading back to school. The region's jobless rates should remain low through October when the seasonal job market starts drying up, he said.

The national jobless rate last month stood at 4.9 percent.

# Charity's demise

## Stockham of Fenton's deeds, compassion irreplaceable

FLINT

THE FLINT JOURNAL FIRST EDITION

Wednesday, September 28, 2005

The poor have never been invisible to Fenton's Nancy Stockham. She has spent most of her adult life dispensing a virtual cornucopia of goods and services to the needy via an informal social service program run out of her home.

Such relentless generosity long ago conveyed folk-hero status upon Stockham, a retired Genesee County caseworker. Yet such reverence for her deeds should not result in bitterness toward government officials partly responsible for Stockham's charity shutting down.

Unfortunately for Stockham, rules that some might consider minor legal points cannot be ignored by those expected to enforce them. City of Fenton attorneys determined that her long-standing operation - God Rewards All Christian Endeavors - couldn't continue to receive tax dollars without contractual constraints. One of them would have limited her help to city residents, which the 74-year-old Stockham rejected.

Couple the loss of \$15,000 in city money with a similar cut by the United Way, and the amazing days of GRACE were instantly numbered.

Realistically, Stockham's agency probably couldn't have survived more than a few years anyway, as she only hoped to continue on until she reached 80. Unfortunately, equally apparent is that many of the charity's 2,500 clients will be missing her multifaceted compassion.

The help came in many ways: Christmas gifts and Thanksgiving food baskets, rides to doctors offices and help with prescriptions - the list seems endless. It hasn't been only a one-woman band, as hundreds of volunteers aided Stockham. This rallying of the community's better instincts has been one of her major impacts.

That and her personal touch: The unconditional caring she has shown for people who perhaps felt their lives weren't worth much will make Stockham's outreach impossible to replace. While it's unfair to fault city government for helping to put her charity out of business, it's understandable why so many in Fenton, and beyond, are lamenting this loss.



September 27, 2005

## **JUDGE UPHOLDS DOMESTIC PARTNER BENEFITS**

A constitutional amendment adopted by voters in November to ban same sex marriages does not prohibit employers from offering health benefits to same sex partners, Ingham Circuit Judge Joyce Draganchuk ruled Tuesday.

At issue was the language in the amendment declaring marriage to be between one man and one woman, which is "the only agreement recognized as a similar union for any purpose."

Ms. Draganchuk's 14-page decision said health care benefits for a spouse are benefits of employment, not benefits of marriage. "Health care benefits are not among the statutory rights or benefits of marriage," she said. "An individual does not receive health care benefits for his or her spouse as a matter of legal right upon getting married."

The legal wrangling over the amendment – which proponents initially argued would not affect domestic partner benefits – prompted Governor Jennifer Granholm to postpone submitting to the Civil Service Commission an employee benefit package that did include coverage for same sex partners.

"It appears the legal cloud has been lifted and the benefits negotiated at the bargaining table now can be submitted to the bipartisan Civil Service Commission for approval," said Granholm spokesperson Liz Boyd.

The ACLU of Michigan, which provided the legal assistance to the plaintiffs in the case (*National Pride at Work v. Granholm*, Ingham CC docket No. 05-368-CZ) said the ruling affirms voter intent.

"Employers, including the State of Michigan, can now continue to support fairness and equity in the workplace by offering domestic partner benefits. (Lesbian, gay, bisexual and transgendered) employees can also be assured that their partners and children will have access to health care," said ACLU attorney Deborah LaBelle.

She had argued the benefits end when employment ends, thus underscoring the benefits are not a right of marriage.

Ms. Draganchuk said an employer may choose to offer health benefits coverage to any person who bears an employer-defined relationship to the employee.

Attorney General Mike Cox, who had argued the amendment barred employers from providing benefits and who issued an opinion earlier this year which declared the city of Kalamazoo was prohibited from offering such benefits, is disappointed in the decision, but

had not had a chance to review it and determine whether to appeal it to the Court of Appeals, a spokesperson said.

In her opinion, Ms. Draganchuk said the criteria used by employers in the benefit packages which the lawsuit sought to protect do not recognize any union and noted the state does not recognize civil unions of any sort. "The criteria are no more than a collection of characteristics the employer has identified for purposes of extending health insurance benefits," she said. "Moreover, the criteria can hardly be said to recognize a union when the criteria differ by employer."

# Benefits ruled OK for gay workers' partners

## Case could aid Mich. employees

*September 28, 2005*

BY DAWSON BELL and CECIL ANGEL

### FREE PRESS STAFF WRITERS

Hours after a judge's ruling cleared the way, Gov. Jennifer Granholm announced Tuesday that she would move ahead on a proposal to extend health care benefits to the same-sex partners of state employees.

Earlier Tuesday, Ingham County Judge Joyce Dragunchuk ruled that a 2004 voter-approved amendment to Michigan's Constitution defining marriage does not prohibit state and local governments, universities and schools from providing health care and other benefits to the gay and lesbian partners of employees.

Dragunchuk agreed with a coalition of interest groups, unions, universities and Granholm who argued that benefits provided to same-sex partners of public employees do not constitute recognition of a marriage or a marriagelike relationship.

The ruling was the first judicial interpretation of the amendment since voters approved Proposal 2 -- 59% to 41% -- in November. But it is likely not the last. Both sides in the case -- Attorney General Mike Cox argued against same-sex benefits -- are expected to appeal adverse rulings as far as legally possible.

A dozen public universities in Michigan offer benefits to same-sex couples along with at least that many other agencies, including cities and school districts. The actual number of couples who receive benefits is not available, but advocates estimate that fewer than 1% of employees in most workplaces would apply for the benefits.

Still, the issue has symbolic importance for those on both sides of the issue.

Granholm had suspended an agreement with state employees to add partner benefits after the 2004 election.

Representatives of the coalition and the 21 same-sex couples named in the lawsuit who receive or hope to receive benefits were jubilant Tuesday.

"We're very happy about it," said Kary Moss, executive director of American Civil Liberties Union of Michigan, which represented the couples in the lawsuit.

Opponents of benefits for same-sex partners of public employees argue the amendment was intended to restrict recognition of marriage or marriagelike arrangements to opposite-sex couples and that health care benefits provided to a spouse should be barred.

#### **Amendment question**

Michigan voters approved an amendment to the state constitution in 2004 defining marriage as between one man and one woman.

The vote left unsettled the question of whether tax-supported state and local governments, universities and schools could provide benefits like health care and insurance to the same-sex partners of employees.

Tuesday, one judge said yes.

Gary Glenn, president of the American Family Association of Michigan based in Midland, said it would have been surprising if Dragunchuk had not ruled in favor of the plaintiffs. Two gay political actions groups endorsed her for election, he said.

"Judge Dragunchuk was strongly endorsed by homosexual activists," said Glenn, coauthor of the amendment and whose group initiated the amendment campaign.

Wednesday, September 28, 2005

## **Same-sex couples win job benefits State ban on their marriages plays no role in health care coverage, Ingham judge rules.**

By Amy Lee / The Detroit News

A state constitutional amendment barring marriage for same-sex couples does not prohibit public employers from offering health benefits to such domestic partners, a circuit court judge ruled on Tuesday.

Ingham County Circuit Judge Joyce Dragonchuk ruled that medical plans are "benefits of employment, not benefits of marriage." The ruling, which applies statewide, allows state and local governments and colleges and universities to offer health care benefits to same-sex couples and their children.

None of the state's universities, including Michigan State and the University of Michigan, rescinded domestic partner benefits after the marriage amendment passed in November 2004. Gov. Jennifer Granholm, however, suspended negotiations on a state employee contract that would have granted medical benefits to domestic partners and their children late last year because of the new law.

"It appears the legal cloud has been lifted and the benefits negotiated at the bargaining table can now be submitted to the bipartisan Civil Service Commission for approval," said Liz Boyd, Granholm's spokeswoman.

The amendment states: "The union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose."

Tom Patrick, a part-time teacher in the Plymouth-Canton Public Schools district, is among the 21 couples who sued the state seeking to allow health care benefits to domestic partners and their families. Patrick and his partner, Dennis Patrick, are raising three adopted children and one foster child and receive health benefits through Dennis' employer, Eastern Michigan University.

Tom Patrick said the ruling "is excellent. Health care benefits and marriage are totally separate things."

Dragonchuk's opinion was issued in response to a lawsuit brought by the American Civil Liberties Union of Michigan in March when Attorney General Mike Cox declared the amendment prohibits public employers from offering health care benefits to domestic partners.

"It's disappointing and we're reviewing Judge Dragonchuk's opinion for the next steps," said Allison Pierce, spokeswoman for the attorney general.

*You can reach Amy Lee at (248) 647-8605 or [alee@detnews.com](mailto:alee@detnews.com).*

Published September 28, 2005  
[ From the Lansing State Journal ]

## **Judge OKs benefits for gay partners**

### **Ruling: Same-sex marriage ban doesn't affect health coverage**

By David Eggert  
Associated Press

Public universities and governments can provide health insurance to employees' same-sex partners without violating Michigan's Constitution, an Ingham County judge ruled Tuesday. Circuit Judge Joyce Draganchuk said the purpose of a 2004 constitutional amendment was to ban same-sex marriage and civil unions - not to keep public employers from offering benefits to gay employees.

"Health care benefits for a spouse are benefits of employment, not benefits of marriage," she wrote.

Draganchuk ruled that criteria established by employers to qualify for same-sex benefits do not recognize a "union."

A measure that Michigan voters passed last November made the union between a man and a woman the only agreement recognized as a marriage "or similar union for any purpose."

Those six words led to a fight over benefits for same-sex couples.

Republican Attorney General Mike Cox issued a legal opinion in March saying the measure prohibited the city of Kalamazoo from providing domestic partner benefits in future contracts. But 21 gay couples who work for Kalamazoo, universities and the state filed a lawsuit challenging Cox's interpretation.

#### **Mid-Michigan providers**

In mid-Michigan, public employers that offer domestic partner benefits include Ingham County, Michigan State University and Lansing Community College.

MSU spokesman Terry Denbow said the university never stopped offering domestic partner benefits. "It was always our intention that we wouldn't change until we had to," Denbow said.

In December, Democratic Gov. Jennifer Granholm's administration decided not to offer domestic partner benefits - which were included in new labor contracts - until a court ruled on their legality.

Joseph Darby, 38, is one of the plaintiffs and an employee of Clinton, Eaton and Ingham Community Mental Health.

Darby, of Sunfield, plans to put his partner on his benefits when his partner, who is 11 years older, retires. But the couple became worried last year when the state put the decision on hold.

"This is excellent," Darby said Tuesday.

Still, he was cautious.

"I would like to believe it's over now but I don't think so," he said. "I think this is just round one."

Cox was reviewing the ruling and considering whether to appeal, a spokeswoman said.

Jay Kaplan, an attorney for the American Civil Liberties Union of Michigan, urged Cox not to "waste" taxpayer dollars on an appeal.

"The voters never intended to take away health insurance from families and their children," he said.

**Quick impact possible**

The ruling could immediately affect state employees.

Granholt spokeswoman Liz Boyd said Tuesday the "legal cloud has been lifted" and the administration would ask the state Civil Service Commission to approve domestic partner benefits quickly. The labor contracts are scheduled to begin in the fiscal year that starts Saturday. Those who wrote the amendment have said their primary intent was to define marriage as between one man and one woman.

But Gary Glenn, president of the Midland-based American Family Association of Michigan, has said a secondary purpose was to make sure the definition is honored for any purpose, "including the provision of taxpayer-financed spousal benefits."

Staff writer Stacey Range contributed to this report.